

Part 7 Funds

34A-2-701 Premium assessment restricted account for safety.

- (1) There is created in the General Fund a restricted account known as the "Workplace Safety Account."
- (2)
 - (a) An amount equal to 0.25% of the premium income remitted to the state treasurer pursuant to Subsection 59-9-101(2)(c)(ii) shall be deposited in the Workplace Safety Account in the General Fund for use as provided in this section.
 - (b) Beginning with fiscal year 2008-09, if the balance in the Workplace Safety Account exceeds \$500,000 at the close of a fiscal year, the excess shall be transferred to the Employers' Reinsurance Fund, created under Subsection 34A-2-702(1).
- (3) The Legislature shall appropriate from the restricted account money to one or both of the following:
 - (a) money to the commission for use by the commission to:
 - (i) improve safety consultation services available to Utah employers; or
 - (ii) provide for electronic or print media advertising campaigns designed to promote workplace safety; and
 - (b) subject to Subsection (7), money known as the "Eddie P. Mayne Workplace Safety and Occupational Health Funding Program":
 - (i) to an institution within the state system of higher education, as defined in Section 53B-1-102; and
 - (ii) to be expended by an education and research center that is:
 - (A) affiliated with the institution described in Subsection (3)(b)(i); and
 - (B) designated as an education and research center by the National Institute for Occupational Safety and Health.
- (4) From money appropriated by the Legislature from the restricted account to the commission for use by the commission, the commission may fund other safety programs or initiatives recommended to it by its state workers' compensation advisory council created under Section 34A-2-107.
- (5)
 - (a) The commission shall annually report to the governor, the Legislature, and its state council regarding:
 - (i) the use of the money appropriated to the commission under Subsection (3) or (4); and
 - (ii) the impact of the use of the money on the safety of Utah's workplaces.
 - (b) By no later than August 15 following a fiscal year in which an education and research center receives money from an appropriation under Subsection (3)(b), the education and research center shall report:
 - (i) to:
 - (A) the governor;
 - (B) the Legislature;
 - (C) the commission; and
 - (D) the state workers' compensation advisory council created under Section 34A-2-107; and
 - (ii) regarding:
 - (A) the use of the money appropriated under Subsection (3)(b); and
 - (B) the impact of the use of the money on the safety of Utah's workplaces.

- (6) The money deposited in the restricted account:
 - (a) shall be:
 - (i) used only for the activities described in Subsection (3) or (4); and
 - (ii) expended according to processes that can be verified by audit; and
 - (b) may not be used by the commission for:
 - (i) administrative costs unrelated to the restricted account; or
 - (ii) any activity of the commission other than the activities of the commission described in Subsection (3) or (4).
- (7) The total of appropriations under Subsection (3)(b) may not exceed for a fiscal year an amount equal to 20% of the premium income remitted to the state treasurer pursuant to Subsection 59-9-101(2)(c) and deposited in the Workplace Safety Account during the previous fiscal year.

Amended by Chapter 85, 2009 General Session

34A-2-702 Employers' Reinsurance Fund -- Injury causing death -- Burial expenses -- Payments to dependents.

- (1)
 - (a) There is created an Employers' Reinsurance Fund for the purpose of making a payment for an industrial accident or occupational disease occurring on or before June 30, 1994. A payment made under this section shall be made in accordance with this chapter or Chapter 3, Utah Occupational Disease Act. The Employers' Reinsurance Fund has no liability for an industrial accident or occupational disease occurring on or after July 1, 1994.
 - (b) The Employers' Reinsurance Fund succeeds to all money previously held in the "Special Fund," the "Combined Injury Fund," or the "Second Injury Fund."
 - (c) The commissioner shall appoint an administrator of the Employers' Reinsurance Fund.
 - (d) The state treasurer shall be the custodian of the Employers' Reinsurance Fund.
 - (e) The administrator shall make provisions for and direct a distribution from the Employers' Reinsurance Fund.
 - (f) Reasonable costs of administering the Employers' Reinsurance Fund or other fees may be paid from the Employers' Reinsurance Fund.
- (2) The state treasurer shall:
 - (a) receive workers' compensation premium assessments from the State Tax Commission; and
 - (b) invest the Employers' Reinsurance Fund to ensure maximum investment return for both long and short term investments in accordance with Section 51-7-12.5.
- (3)
 - (a) The administrator may employ, retain, or appoint counsel to represent the Employers' Reinsurance Fund in a proceeding brought to enforce a claim against or on behalf of the Employers' Reinsurance Fund.
 - (b) If requested by the commission, the attorney general shall aid in representation of the Employers' Reinsurance Fund.
- (4) The liability of the state, its departments, agencies, instrumentalities, elected or appointed officials, or other duly authorized agents, with respect to payment of compensation benefits, expenses, fees, medical expenses, or disbursement properly chargeable against the Employers' Reinsurance Fund, is limited to the cash or assets in the Employers' Reinsurance Fund, and they are not otherwise, in any way, liable for the operation, debts, or obligations of the Employers' Reinsurance Fund.
- (5)

- (a) If injury causes death within a period of 312 weeks from the date of the accident, the employer or insurance carrier shall pay:
 - (i) the burial expenses of the deceased as provided in Section 34A-2-418; and
 - (ii) benefits in the amount and to a person provided for in this Subsection (5).
 - (b)
 - (i) If there is a wholly dependent person at the time of the death, the payment by the employer or its insurance carrier shall be:
 - (A) subject to Subsections (5)(b)(i)(B) and (C), 66-2/3% of the decedent's average weekly wage at the time of the injury;
 - (B) not more than a maximum of 85% of the state average weekly wage at the time of the injury per week; and
 - (C)
 - (I) not less than a minimum of \$45 per week, plus:
 - (Aa) \$5 for a dependent spouse; and
 - (Bb) \$5 for each dependent minor child under the age of 18 years, up to a maximum of four such dependent minor children; and
 - (II) not exceeding:
 - (Aa) the average weekly wage of the employee at the time of the injury; and
 - (Bb) 85% of the state average weekly wage at the time of the injury per week.
 - (ii) Compensation shall continue during dependency for the remainder of the period between the date of the death and the expiration of 312 weeks after the date of the injury.
 - (iii)
 - (A) The payment by the employer or its insurance carrier to a wholly dependent person during dependency following the expiration of the first 312-week period described in Subsection (5)(b)(ii) shall be an amount equal to the weekly benefits paid to the wholly dependent person during the initial 312-week period, reduced by 50% of the federal Social Security death benefits the wholly dependent person:
 - (I) is eligible to receive for a week as of the first day the employee is eligible to receive a Social Security death benefit; and
 - (II) receives.
 - (B) An employer or its insurance carrier may not reduce compensation payable under this Subsection (5)(b)(iii) on or after May 5, 2008, to a wholly dependent person by an amount related to a cost-of-living increase to the Social Security death benefits that the wholly dependent person is first eligible to receive for a week, notwithstanding whether the employee is injured on or before May 4, 2008.
 - (C) For purposes of a wholly dependent person whose compensation payable is reduced under this Subsection (5)(b)(iii) on or before May 4, 2008, the reduction is limited to the amount of the reduction as of May 4, 2008.
 - (iv) The issue of dependency is subject to review at the end of the initial 312-week period and annually after the initial 312-week period. If in a review it is determined that, under the facts and circumstances existing at that time, the applicant is no longer a wholly dependent person, the applicant:
 - (A) may be considered a partly dependent or nondependent person; and
 - (B) shall be paid the benefits as may be determined under Subsection (5)(d)(iii).
- (c)
 - (i) For purposes of a dependency determination, a surviving spouse of a deceased employee is conclusively presumed to be wholly dependent for a 312-week period from the date of death of the employee. This presumption does not apply after the initial 312-week period.

- (ii)
 - (A) In determining the annual income of the surviving spouse after the initial 312-week period, there shall be excluded 50% of a federal Social Security death benefit that the surviving spouse:
 - (I) is eligible to receive for a week as of the first day the surviving spouse is eligible to receive a Social Security death benefit; and
 - (II) receives.
 - (B) An employer or its insurance carrier may not reduce compensation payable under this Subsection (5)(c)(ii) on or after May 5, 2008, to a surviving spouse by an amount related to a cost-of-living increase to the Social Security death benefits that the surviving spouse is first eligible to receive for a week, notwithstanding whether the employee is injured on or before May 4, 2008.
 - (C) For purposes of a surviving spouse whose compensation payable is reduced under this Subsection (5)(c)(ii) on or before May 4, 2008, the reduction is limited to the amount of the reduction as of May 4, 2008.
- (d)
 - (i) If there is a partly dependent person at the time of the death, the payment shall be:
 - (A) subject to Subsections (5)(d)(i)(B) and (C), 66-2/3% of the decedent's average weekly wage at the time of the injury;
 - (B) not more than a maximum of 85% of the state average weekly wage at the time of the injury per week; and
 - (C) not less than a minimum of \$45 per week.
 - (ii) Compensation shall continue during dependency for the remainder of the period between the date of death and the expiration of 312 weeks after the date of injury. Compensation may not amount to more than a maximum of \$30,000.
 - (iii) The benefits provided for in this Subsection (5)(d) shall be in keeping with the circumstances and conditions of dependency existing at the date of injury, and any amount paid under this Subsection (5)(d) shall be consistent with the general provisions of this chapter and Chapter 3, Utah Occupational Disease Act.
 - (iv) Benefits to a person determined to be partly dependent under Subsection (5)(c):
 - (A) shall be determined in keeping with the circumstances and conditions of dependency existing at the time of the dependency review; and
 - (B) may be paid in an amount not exceeding the maximum weekly rate that a partly dependent person would receive if wholly dependent.
 - (v) A payment under this section shall be paid to a person during a person's dependency by the employer or its insurance carrier.
- (e)
 - (i) Subject to Subsection (5)(e)(ii), if there is a wholly dependent person and also a partly dependent person at the time of death, the benefits may be apportioned in a manner consistent with Section 34A-2-414.
 - (ii) The total benefits awarded to all parties concerned may not exceed the maximum provided for by law.
- (6) The Employers' Reinsurance Fund:
 - (a) shall be:
 - (i) used only in accordance with Subsection (1) for:
 - (A) the purpose of making a payment for an industrial accident or occupational disease occurring on or before June 30, 1994, in accordance with this section and Section 34A-2-703; and

- (B) payment of:
 - (I) reasonable costs of administering the Employers' Reinsurance Fund; or
 - (II) fees required to be paid by the Employers' Reinsurance Fund;
- (ii) expended according to processes that can be verified by audit; and
- (b) may not be used for:
 - (i) administrative costs unrelated to the Employers' Reinsurance Fund; or
 - (ii) an activity of the commission other than an activity described in Subsection (6)(a).

Amended by Chapter 27, 2008 General Session

Amended by Chapter 90, 2008 General Session

34A-2-703 Payments from Employers' Reinsurance Fund.

If an employee, who has at least a 10% whole person permanent impairment from any cause or origin, subsequently incurs an additional impairment by an accident arising out of and in the course of the employee's employment during the period of July 1, 1988, to June 30, 1994, inclusive, and if the additional impairment results in permanent total disability, the employer or its insurance carrier and the Employers' Reinsurance Fund are liable for the payment of benefits as follows:

- (1) The employer or its insurance carrier is liable for the first \$20,000 of medical benefits and the initial 156 weeks of permanent total disability compensation as provided in this chapter or Chapter 3, Utah Occupational Disease Act.
- (2) Reasonable medical benefits in excess of the first \$20,000 shall be paid in the first instance by the employer or its insurance carrier. Then, as provided in Subsection (5), the Employers' Reinsurance Fund shall reimburse the employer or its insurance carrier for 50% of those expenses.
- (3) After the initial 156-week period under Subsection (1), permanent total disability compensation payable to an employee under this chapter or Chapter 3, Utah Occupational Disease Act, becomes the liability of and shall be paid by the Employers' Reinsurance Fund.
- (4) If it is determined that the employee is permanently and totally disabled, the employer or its insurance carrier shall be given credit for all prior payments of temporary total, temporary partial, and permanent partial disability compensation made as a result of the industrial accident. An overpayment by the employer or its insurance carrier shall be reimbursed by the Employers' Reinsurance Fund under Subsection (5).
- (5)
 - (a)
 - (i) Upon receipt of a duly verified petition, the Employers' Reinsurance Fund shall reimburse the employer or its insurance carrier for the Employers' Reinsurance Fund's share of medical benefits and compensation paid to or on behalf of an employee.
 - (ii) A request for Employers' Reinsurance Fund reimbursements shall be accompanied by satisfactory evidence of payment of the medical or disability compensation for which the reimbursement is requested.
 - (iii) A request is subject to review as to reasonableness by the administrator. The administrator may determine the manner of reimbursement.
 - (b) A decision of the administrator under Subsection (5)(a) may be appealed in accordance with Part 8, Adjudication.
 - (c) An employer or its insurance carrier shall submit to the Employers' Reinsurance Fund, by June 30, 2018, a request for reimbursement related to medical benefits or compensation paid on or before July 1, 2016.

- (d) An employer or its insurance carrier shall submit to the Employers' Reinsurance Fund a request for reimbursement related to medical benefits or compensation paid after July 1, 2016, within 24 months of the later of:
 - (i) the date the benefits or compensation are paid by the employer or its insurance carrier; or
 - (ii) the date the Employers' Reinsurance Fund is determined to be liable.
- (e) Requests for reimbursement not submitted in accordance with Subsection (5)(c) or (5)(d) are considered untimely and the Employers' Reinsurance Fund may not reimburse the benefits or compensation paid.
- (6) If, at the time an employee is determined to have a permanent, total disability, the employee has other actionable workers' compensation claims, the employer or insurance carrier that is liable for the last industrial accident resulting in permanent total disability shall be liable for the benefits payable by the employer as provided in this section and Section 34A-2-413. The employee's entitlement to benefits for prior actionable claims shall then be determined separately on the facts of those claims. A previous permanent partial disability arising out of those claims shall then be considered to be impairments that may give rise to Employers' Reinsurance Fund liability under this section.

Amended by Chapter 235, 2016 General Session

34A-2-704 Uninsured Employers' Fund.

- (1)
 - (a) There is created an Uninsured Employers' Fund. The Uninsured Employers' Fund has the purpose of assisting in the payment of workers' compensation benefits to a person entitled to the benefits, if:
 - (i) that person's employer:
 - (A) is individually, jointly, or severally liable to pay the benefits; and
 - (B)
 - (I) becomes or is insolvent;
 - (II) appoints or has appointed a receiver; or
 - (III) otherwise does not have sufficient funds, insurance, sureties, or other security to cover workers' compensation liabilities; and
 - (ii) the employment relationship between that person and the person's employer is localized within the state as provided in Subsection (20).
 - (b) The Uninsured Employers' Fund succeeds to money previously held in the Default Indemnity Fund.
 - (c) If it becomes necessary to pay benefits, the Uninsured Employers' Fund is liable for the obligations of the employer set forth in this chapter and Chapter 3, Utah Occupational Disease Act, with the exception of a penalty on those obligations.
- (2)
 - (a) Money for the Uninsured Employers' Fund shall be deposited into the Uninsured Employers' Fund in accordance with this chapter, Subsection 59-9-101(2), and Subsection 34A-2-213(3).
 - (b) The commissioner shall appoint an administrator of the Uninsured Employers' Fund.
 - (c)
 - (i) The state treasurer is the custodian of the Uninsured Employers' Fund.
 - (ii) The administrator shall make provisions for and direct distribution from the Uninsured Employers' Fund.
- (3) Reasonable costs of administering the Uninsured Employers' Fund or other fees required to be paid by the Uninsured Employers' Fund may be paid from the Uninsured Employers' Fund.

- (4) The state treasurer shall:
 - (a) receive workers' compensation premium assessments from the State Tax Commission; and
 - (b) invest the Uninsured Employers' Fund to ensure maximum investment return for both long and short term investments in accordance with Section 51-7-12.5.
- (5)
 - (a) The administrator may employ, retain, or appoint counsel to represent the Uninsured Employers' Fund in a proceeding brought to enforce a claim against or on behalf of the Uninsured Employers' Fund.
 - (b) If requested by the commission, the following shall aid in the representation of the Uninsured Employers' Fund:
 - (i) the attorney general; or
 - (ii) the city attorney, or county attorney of the locality in which:
 - (A) an investigation, hearing, or trial under this chapter or Chapter 3, Utah Occupational Disease Act, is pending;
 - (B) the employee resides; or
 - (C) an employer:
 - (I) resides; or
 - (II) is doing business.
 - (c)
 - (i) Notwithstanding Title 63A, Chapter 3, Part 5, Office of State Debt Collection, the administrator shall provide for the collection of money required to be deposited in the Uninsured Employers' Fund under this chapter and Chapter 3, Utah Occupational Disease Act.
 - (ii) To comply with Subsection (5)(c)(i), the administrator may:
 - (A) take appropriate action, including docketing an award in a manner consistent with Section 34A-2-212; and
 - (B) employ counsel and other personnel necessary to collect the money described in Subsection (5)(c)(i).
- (6) To the extent of the compensation and other benefits paid or payable to or on behalf of an employee or the employee's dependents from the Uninsured Employers' Fund, the Uninsured Employers' Fund, by subrogation, has the rights, powers, and benefits of the employee or the employee's dependents against the employer failing to make the compensation payments.
- (7)
 - (a) The receiver, trustee, liquidator, or statutory successor of an employer meeting a condition listed in Subsection (1)(a)(i)(B) is bound by a settlement of a covered claim by the Uninsured Employers' Fund.
 - (b) A court with jurisdiction shall grant a payment made under this section a priority equal to that to which the claimant would have been entitled in the absence of this section against the assets of the employer meeting a condition listed in Subsection (1)(a)(i)(B).
 - (c) The expenses of the Uninsured Employers' Fund in handling a claim shall be accorded the same priority as the liquidator's expenses.
- (8)
 - (a) The administrator shall periodically file the information described in Subsection (8)(b) with the receiver, trustee, or liquidator of:
 - (i) an employer that meets a condition listed in Subsection (1)(a)(i)(B);
 - (ii) a public agency insurance mutual, as defined in Section 31A-1-103, that meets a condition listed in Subsection (1)(a)(i)(B); or
 - (iii) an insolvent insurance carrier.

- (b) The information required to be filed under Subsection (8)(a) is:
 - (i) a statement of the covered claims paid by the Uninsured Employers' Fund; and
 - (ii) an estimate of anticipated claims against the Uninsured Employers' Fund.
- (c) A filing under this Subsection (8) preserves the rights of the Uninsured Employers' Fund for claims against the assets of the employer that meets a condition listed in Subsection (1)(a)(i)(B).
- (9) When an injury or death for which compensation is payable from the Uninsured Employers' Fund has been caused by the wrongful act or neglect of another person not in the same employment, the Uninsured Employers' Fund has the same rights as allowed under Section 34A-2-106.
- (10) The Uninsured Employers' Fund, subject to approval of the administrator, shall discharge its obligations by:
 - (a) adjusting its own claims; or
 - (b) contracting with an adjusting company, risk management company, insurance company, or other company that has expertise and capabilities in adjusting and paying workers' compensation claims.
- (11)
 - (a) For the purpose of maintaining the Uninsured Employers' Fund, an administrative law judge, upon rendering a decision with respect to a claim for workers' compensation benefits in which an employer that meets a condition listed in Subsection (1)(a)(i)(B) is duly joined as a party, shall:
 - (i) order the employer that meets a condition listed in Subsection (1)(a)(i)(B) to reimburse the Uninsured Employers' Fund for the benefits paid to or on behalf of an injured employee by the Uninsured Employers' Fund along with interest, costs, and attorney fees; and
 - (ii) impose a penalty against the employer that meets a condition listed in Subsection (1)(a)(i)(B):
 - (A) of 15% of the value of the total award in connection with the claim; and
 - (B) that shall be deposited into the Uninsured Employers' Fund.
 - (b) An award under this Subsection (11) shall be collected by the administrator in accordance with Subsection (5)(c).
- (12) The state, the commission, and the state treasurer, with respect to payment of compensation benefits, expenses, fees, or disbursement properly chargeable against the Uninsured Employers' Fund:
 - (a) are liable only to the assets in the Uninsured Employers' Fund; and
 - (b) are not otherwise in any way liable for the making of a payment.
- (13) The commission may make reasonable rules for the processing and payment of a claim for compensation from the Uninsured Employers' Fund.
- (14)
 - (a)
 - (i) If it becomes necessary for the Uninsured Employers' Fund to pay benefits under this section to an employee described in Subsection (14)(a)(ii), the Uninsured Employers' Fund may assess all other self-insured employers amounts necessary to pay:
 - (A) the obligations of the Uninsured Employers' Fund subsequent to a condition listed in Subsection (1)(a)(i)(B) occurring;
 - (B) the expenses of handling covered a claim subsequent to a condition listed in Subsection (1)(a)(i)(B) occurring;
 - (C) the cost of an examination under Subsection (15); and
 - (D) other expenses authorized by this section.

- (ii) This Subsection (14) applies to benefits paid to an employee of:
 - (A) a self-insured employer, as defined in Section 34A-2-201.5, that meets a condition listed in Subsection (1)(a)(i)(B); or
 - (B) if the self-insured employer that meets a condition described in Subsection (1)(a)(i)(B) is a public agency insurance mutual, a member of the public agency insurance mutual.
 - (b) The assessments of a self-insured employer shall be in the proportion that the manual premium of the self-insured employer for the preceding calendar year bears to the manual premium of all self-insured employers for the preceding calendar year.
 - (c) A self-insured employer shall be notified of the self-insured employer's assessment not later than 30 days before the day on which the assessment is due.
 - (d)
 - (i) A self-insured employer may not be assessed in any year an amount greater than 2% of that self-insured employer's manual premium for the preceding calendar year.
 - (ii) If the maximum assessment does not provide in a year an amount sufficient to make all necessary payments from the Uninsured Employers' Fund for one or more self-insured employers that meet a condition listed in Subsection (1)(a)(i)(B), the unpaid portion shall be paid as soon as money becomes available.
 - (e) A self-insured employer is liable under this section for a period not to exceed three years after the day on which the Uninsured Employers' Fund first pays benefits to an employee described in Subsection (14)(a)(ii) for the self-insured employer that meets a condition listed in Subsection (1)(a)(i)(B).
 - (f) This Subsection (14) does not apply to a claim made against a self-insured employer that meets a condition listed in Subsection (1)(a)(i)(B) if the condition listed in Subsection (1)(a)(i)(B) occurred before July 1, 1986.
- (15)
- (a) The following shall notify the division of any information indicating that any of the following may be insolvent or in a financial condition hazardous to its employees or the public:
 - (i) a self-insured employer; or
 - (ii) if the self-insured employer is a public agency insurance mutual, a member of the public agency insurance mutual.
 - (b) Upon receipt of the notification described in Subsection (15)(a) and with good cause appearing, the division may order an examination of:
 - (i) that self-insured employer; or
 - (ii) if the self-insured employer is a public agency insurance mutual, a member of the public agency mutual.
 - (c) The cost of the examination ordered under Subsection (15)(b) shall be assessed against all self-insured employers as provided in Subsection (14).
 - (d) The results of the examination ordered under Subsection (15)(b) shall be kept confidential.
- (16)
- (a) In a claim against an employer by the Uninsured Employers' Fund, or by or on behalf of the employee to whom or to whose dependents compensation and other benefits are paid or payable from the Uninsured Employers' Fund, the burden of proof is on the employer or other party in interest objecting to the claim.
 - (b) A claim described in Subsection (16)(a) is presumed to be valid up to the full amount of workers' compensation benefits claimed by the employee or the employee's dependents.
 - (c) This Subsection (16) applies whether the claim is filed in court or in an adjudicative proceeding under the authority of the commission.

- (17) A partner in a partnership or an owner of a sole proprietorship may not recover compensation or other benefits from the Uninsured Employers' Fund if:
- (a) the person is not included as an employee under Subsection 34A-2-104(3); or
 - (b) the person is included as an employee under Subsection 34A-2-104(3), but:
 - (i) the person's employer fails to insure or otherwise provide adequate payment of direct compensation; and
 - (ii) the failure described in Subsection (17)(b)(i) is attributable to an act or omission over which the person had or shared control or responsibility.
- (18) A director or officer of a corporation may not recover compensation or other benefits from the Uninsured Employers' Fund if the director or officer is excluded from coverage under Subsection 34A-2-104(4).
- (19) The Uninsured Employers' Fund:
- (a) shall be:
 - (i) used in accordance with this section only for:
 - (A) the purpose of assisting in the payment of workers' compensation benefits in accordance with Subsection (1); and
 - (B) in accordance with Subsection (3), payment of:
 - (I) reasonable costs of administering the Uninsured Employers' Fund; or
 - (II) fees required to be paid by the Uninsured Employers' Fund; and
 - (ii) expended according to processes that can be verified by audit; and
 - (b) may not be used for:
 - (i) administrative costs unrelated to the Uninsured Employers' Fund; or
 - (ii) an activity of the commission other than an activity described in Subsection (19)(a).
- (20)
- (a) For purposes of Subsection (1), an employment relationship is localized in the state if:
 - (i)
 - (A) the employer who is liable for the benefits has a business premise in the state; and
 - (B)
 - (I) the contract for hire is entered into in the state; or
 - (II) the employee regularly performs work duties in the state for the employer who is liable for the benefits; or
 - (ii) the employee is:
 - (A) a resident of the state; and
 - (B) regularly performs work duties in the state for the employer who is liable for the benefits.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall by rule define what constitutes regularly performing work duties in the state.

Amended by Chapter 417, 2013 General Session

34A-2-705 Industrial Accident Restricted Account.

- (1) As used in this section:
- (a) "Account" means the Industrial Accident Restricted Account created by this section.
 - (b) "Advisory council" means the state workers' compensation advisory council created under Section 34A-2-107.
- (2) There is created in the General Fund a restricted account known as the "Industrial Accident Restricted Account."
- (3)
- (a) The account is funded from:

- (i) .5% of the premium income remitted to the state treasurer and credited to the account pursuant to Subsection 59-9-101(2)(c)(iv); and
 - (ii) amounts deposited under Section 34A-2-1003.
 - (b) If the balance in the account exceeds \$500,000 at the close of a fiscal year, the excess shall be transferred to the Uninsured Employers' Fund created under Section 34A-2-704.
- (4)
- (a) From money appropriated by the Legislature from the account to the commission and subject to the requirements of this section, the commission may fund:
 - (i) the activities of the Division of Industrial Accidents described in Section 34A-1-202;
 - (ii) the activities of the Division of Adjudication described in Section 34A-1-202; and
 - (iii) the activities of the commission described in Section 34A-2-1005.
 - (b) The money deposited in the account may not be used for a purpose other than a purpose described in this Subsection (4), including an administrative cost or another activity of the commission unrelated to the account.
- (5)
- (a) Each year before the public hearing required by Subsection 59-9-101(2)(d)(i), the commission shall report to the advisory council regarding:
 - (i) the commission's budget request to the governor for the next fiscal year related to:
 - (A) the Division of Industrial Accidents; and
 - (B) the Division of Adjudication;
 - (ii) the expenditures of the commission for the fiscal year in which the commission is reporting related to:
 - (A) the Division of Industrial Accidents; and
 - (B) the Division of Adjudication;
 - (iii) revenues generated from the premium assessment under Section 59-9-101 on an admitted insurer writing workers' compensation insurance in this state and on a self-insured employer under Section 34A-2-202; and
 - (iv) money deposited under Section 34A-2-1003.
 - (b) The commission shall annually report to the governor and the Legislature regarding:
 - (i) the use of the money appropriated to the commission under this section;
 - (ii) revenues generated from the premium assessment under Section 59-9-101 on an admitted insurer writing workers' compensation insurance in this state and on a self-insured employer under Section 34A-2-202; and
 - (iii) money deposited under Section 34A-2-1003.

Amended by Chapter 328, 2011 General Session